

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|-----------------------------|---|-------------------------|
| SAMUEL WELCH, #222 339, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CASE NO. 2:17-CV-61-WHA |
| |) | |
| AL BD. PARDONS AND PAROLES, |) | (wo) |
| |) | |
| Defendant. |) | |

ORDER

On August 29, 2017, the Magistrate Judge entered a Recommendation that the Plaintiff's § 1983 Complaint be dismissed prior to service of process as frivolous. The Plaintiff has filed an Objection to that Recommendation.

After de novo review of the Objection and the file in this case, the court finds the Objection to be without merit. The Plaintiff has sued the Alabama Board of Pardons and Paroles alleging various improprieties regarding "void fraudulent practices" under the Alabama Constitution. As explained in the Recommendation, the Board is not an entity subject to suit under § 1983. *See Pennhust State School & Hosp. v. Halderman*, 465 U.S. 89 (1984). Furthermore, the allegations of the Complaint are vague, conclusory, and nonsensical, and assert no intelligible cause of action regarding any alleged violation of constitutional rights. 28 U.S.C. §1915(e)(2)(B)(i); *Neitzke v. Williams*, 490 U.S. 319, 327 (1989).

Regarding the Plaintiff's assertion that he did not give consent to proceed before a Magistrate Judge, this objection has no merit as it challenges actions taken in accordance with Local Rule 72.2 of this court as well as authority provided Magistrate Judges under 28 U.S.C. § 636(b).

Accordingly, it is hereby ORDERED as follows:

1. The court adopts the Recommendation of the Magistrate Judge and the Objection is
OVERRULED.

2. The Complaint is DISMISSED with prejudice under 28 U.S.C. §1915(e)(2)B(i).

DONE this 21st day of September, 2017.

/s/ W. Harold Albritton
SENIOR UNITED STATES DISTRICT JUDGE